

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 28 May 2008

Case No: 2008-AIR-00002

In the Matter of:

TIMOTHY S. CROSS,

Complainant,

v.

DELTA AIR LINES,

Respondent.

ORDER OF DISMISSAL

This matter arises from a complaint filed under Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21), 49 USC 42121. It is subject to the federal regulations set forth at 29 CFR Part 1979. The current complaint was filed on December 8, 2005, and found to be without merit in a determination made on September 13, 2007. A timely request for formal hearing pursuant to 29 CFR Part 1979 was made on October 12, 2007.

On February 29, 2008, Respondent's counsel filed "Respondent's Motion for Summary Decision" with supporting brief and attachments which included notice of the Respondent's bankruptcy status through an "Order Confirming Debtors' Joint Plan of Reorganization under Chapter 11 of the Bankruptcy Code" dated April 25, 2007 and attributed to United States Bankruptcy Judge Adlai S. Hardin, Jr., of the United States Bankruptcy Court for the Southern District of New York, Chapter 11 Case No. 05-17923 (ASH). This Administrative Law Judge found that the Respondent was engaged in Chapter 11 bankruptcy proceeding in the United States Bankruptcy Court for the Southern District of New York and that further administrative proceedings in this case must be stayed. On March 5, 2008, an Order staying further proceedings and cancelling the scheduled April 16, 2008, formal hearing was issued.

During a March 12, 2008, conference call, the status of Respondent's reorganization under Chapter 11 of the Bankruptcy Code was discussed and Claimant's counsel was directed to inform the Court of the Claimant's decision about filing a claim before the presiding bankruptcy judge.

By letter filed May 19, 2008, Complainant's counsel advised the Court that the Claimant wished to withdraw his objections and have the case be dismissed. 29 CFR § 1979.11(c)

ORDER

In view of the foregoing, **IT IS HEREBY ORDERED** that the complaint is **DISMISSED** and the matter is now considered **CLOSED**.

A

ALAN L. BERGSTROM
Administrative Law Judge

ALB/jcb
Newport News, Virginia